

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ROBERT ANDREW WERMUTH,** )  
**#189991,** )  
  )  
**Plaintiff,**                         )      **Case No. 2:05cv644**  
  )  
**SHANNON CARROL YOUNGBLOOD,** )  
**et al.,**                             )  
  )  
**Defendants.**                         )

**AFFIDAVIT OF DAVID R. HILL**

**STATE OF ALABAMA**                     )

**COUNTY OF MONTGOMERY**                 )

Before me, a Notary Public in and for said State and County, personally appeared David R. Hill and, after first being duly sworn by me, did depose and state as follows:

My name is David R. Hill and I am over nineteen (19) years of age. I am currently employed as a Detective with the Montgomery Police Department, and assigned to Second Shift.

On Tuesday, September 30, 2003 at approximately 3:45 a.m., a call went out involving the pursuit of a subject, later identified as Robert Andrew Wermuth. From the radio traffic, I was able to ascertain that Officer Welch and his partner had responded to a code 34 (theft) in progress at a gas station near Plantation and the Boulevard. I could hear, from the radio traffic, that the suspect was in a vehicle and as Officer Welch attempted to place him into custody, I heard that the subject cranked his car and drove away, dragging Officer Welch down a parking lot. Again, from the radio traffic, I heard that Officer Welch let go of the car and the subject fled Westbound on the Northern Boulevard towards Interstate 85.

A lookout for the vehicle, a red Jeep Cherokee, was posted due to the assault on Officer Welch by the subject. A short time later, Sergeant Youngblood radioed that he had observed a vehicle matching the description on Mt. Meigs Road and fell in behind the vehicle. At this time, I



was near Forest Avenue and was attempting to catch up with Sergeant Youngblood. The pursuit originated near the interchange of Interstates 85 and 65 when Sergeant Youngblood attempted to initiate a traffic stop with full emergency equipment (lights and sirens) but the suspect refused to stop. The jeep continued to ignore Sergeant Youngblood's attempts to pull him over, turning on neighborhood streets, approaching speeds of 55 mph. At this time, I saw Sergeant Youngblood's vehicle strike the suspect's vehicle. This collision caused Sergeant Youngblood to drop out of the pursuit and my partner and I followed the suspect's vehicle as we reached Hill Street. Approximately one block South onto Hill Street, Lt. Byrne passed this unit and joined the pursuit as we continued traveling South on Hill Street.

Lieutenant Byrne, Sergeant Johnson and my partner and I continued to follow the subject through several streets until he pulled into a driveway and opened his door. I heard over the radio that the K-9 had been released. I waited in my unit, until I saw Sergeant Johnson and Lieutenant Byrne run up the driveway. I then exited my vehicle, and proceeded to examine the Jeep for any other suspects. I observed the suspect on the ground with the K-9 engaging his arm. Lieutenant Byrne, myself and several other patrol officers were approaching, but Lieutenant Byrne ordered us to stay back because the K-9 was engaged. As Sergeant Johnson held onto the subject he called for any officer to come help him get the subject into custody and I responded. Sergeant Johnson told me that the dog was not going to engage me and to just come over and help obtain the suspect's arm, because he was still struggling. Once I had the suspect restrained, Sergeant Johnson told his K-9 partner to release the subject which he did. The subject was treated by paramedics and transported to the hospital for treatment of his puncture marks.

I have read the above and foregoing affidavit consisting in total of two (3) pages and state that it is true and correct to my present knowledge and information.

Further Affiant saith not.

D.R.Hill #1297  
Detective David R. Hill

**SWORN to and SUBSCRIBED before me this the 10<sup>th</sup> day of November, 2005.**

Mark D. B. L.  
Notary Public

My commission expires May 5, 2009